

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERRY EUGENE SHRUBB,	)	
	)	
Petitioner,	)	
	)	Civil Action No. 17-62 Erie
v.	)	
	)	
MICHAEL R. CLARK, et al.,	)	
	)	
Respondents.	)	

**ORDER**

**AND NOW**, this 19th day of January, 2018, **IT IS HEREBY ORDERED** that the motion to dismiss filed by respondent, the District Attorney of Elk County, Pennsylvania (ECF No. 6), is **GRANTED** and the instant petition for a writ of habeas corpus is **DISMISSED** inasmuch as petitioner filed his claims outside the one-year statute of limitations imposed by the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), 28 U.S.C. §2244(d).

**IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED** inasmuch as jurists of reason would not find it debatable whether each of petitioner’s claims should be dismissed as untimely filed.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this case “**CLOSED.**”

**IT IS FURTHER ORDERED** that the December 7, 2017 report and recommendation of Magistrate Judge Baxter (ECF No. 15) is adopted as the opinion of the court.

**AND IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if plaintiff wishes to appeal from this Order, a notice of appeal as provided in Federal Rule of Appellate Procedure 3 must be filed with the Clerk of Court, United

States District Court, at 17 South Park Row, Room A-150, Erie, PA 16501, within thirty (30) days.

BY THE COURT:

/s/ Joy Flowers Conti

Joy Flowers Conti

Chief United States District Judge

cc: Jerry Eugene Shrubbs  
HE 9060  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0002